

**REMARKS**

Applicants wish to thank the Examiner for considering the present application. In the Office Action dated March 4, 2009, claims 1-5 are pending in the application. Claim 1 was amended to include specific reference to a satellite. Applicants respectfully request the Examiner for a reconsideration of the rejections.

**REJECTION UNDER 35 U.S.C. § 103**

Claims 1-5 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Rosen (U.S. Pat. No. 4,831,619) in view of Dent et al. (U.S. Pat. No. 6,542,716). This rejection is respectfully traversed.

Claim 1 recites integrating an area-wide broadcast downlink beam to be used to support point-to-point transmissions of one or more of the multiple spot beams whose transmission capacity has been exhausted. The Examiner points to Rosen, col. 4, ll. 30-41, Fig. 9, zones 31, 33, 35 and 37 as well as col. 2, ll. 19-40. Applicants admit that point-to-point and broadcast service is provided in the Rosen reference as described in column 4.

On page 3 of the Office Action, the Examiner states that Rosen does not explicitly show that the downlink beam is used to support point-to-point transmissions of one or more of the multiple spot beams whose transmission capacity has been exhausted. The Examiner then points to col. 1, ll. 15-37 of the Dent reference for his teaching. However, Applicants have reviewed this portion and can find no teaching or suggestion for satellite beams. More specifically, there is no teaching or suggestion for what to do when transmissions from one or more multiple spot beams of a satellite have their transmission capacities exhausted. The Dent reference, col. 1, ll. 15-37, describes a dual mode system. The dual mode consists of a satellite as one mode and a cellular system as the other mode. The system describes a cellular ground-based system. When

users are out of range of the land-based system, a satellite is used to provide service. Claim 1 was amended to highlight that all the beams are from the satellite.

Therefore, the Dent reference does not teach or suggest that an area-wide downlink beam is used to support the point-to-point transmissions of one or more multiple spot beams whose transmission capacity has been exhausted. The combination of the Rosen and Dent references also fails to teach or suggest the combination. Therefore, Applicants respectfully request the Examiner to reconsider the rejection of claim 1.

Claims 2-5 depend upon allowable independent claim 1 and are also allowable for at least the reasons set forth above.

### CONCLUSION

In light of the remarks above, Applicants submit that all rejections are now overcome. The application is now in condition for allowance and expeditious notice thereof is earnestly solicited. Should the Examiner have any questions or comments, the Examiner is respectfully requested to contact the undersigned attorney.

Should any fees be associated with this submission, please charge Deposit Account 50-0383.

Respectfully submitted,

Dated: June 1, 2009

By



Kevin G. Mierzwa, Reg. No. 38,049  
Attorney for Applicants

The DIRECTV Group, Inc.  
CA/LA1/A109  
2230 East Imperial Highway  
El Segundo, CA 90245  
Telephone: (310) 964-0560  
Facsimile: (310) 964-0941